

## REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the detailed Office Action dated 18 November 2003.

### **Claim Rejections**

1. In **Items 2 to 6** of the Office Action the Examiner rejects claim 1 and claims 26-28, as being anticipated by Bennett et al. (US 5,051,736), and claims 3-11 and 14-25, as being anticipated by Bennett et al. in view of other prior art documents. In response, the Applicant files the following submission.

We draw to the attention of the Examiner the fact that in Bennett et al. the term "orientation" refers mainly to the positional components of orientation (see col. 5, lines 7-10). The only component of rotational orientation mentioned by Bennett et al. is "tilt angle" (col. 11, line 59). Furthermore, this mentioning is not an enabling disclosure since no particular method for determining the tilt has been indicated.

The subject invention, on the other hand, refers in great detail to the full set of rotational components. For example, lines 19-22 on page 75 of the specification describe the stroke transmitted by the pen as including "the x, y and z rotation of the pen". Table 4 on pages 74-75 describes "raw digital ink component/s" as including "x rotation (pitch)", "y rotation (roll)" and "z rotation (yaw)". Lines 14-16 on page 83 describe the orientation of the pen as being characterised by three rotations: "...the orientation of the pen can be characterized by the yaw (z rotation), pitch (x rotation) and roll (y rotation) of the pen, as illustrated in Figure 61." Pages 92-100 describe the way of inferring the three rotations from the image of coded data.

Following the above discussion, the Applicant proposes the following amendments to claim 1:

To emphasise the difference from Bennett et al., the Applicant has amended claim 1 to specifically refer to "rotational orientation".

To further strengthen the importance of this point to the claim, more emphasis has been placed on the phrase "the orientation data being indicative of three dimensions of a rotational orientation of the sensing device relative to the surface", by moving it from the preamble into the main body of the claim.

Since neither Bennett et al., nor any other prior art document cited in the report teach the use of all three rotational components of orientation, the Applicant respectfully submits that the amended claim 1 is not anticipated and is patentable over any of the cited prior art documents, considered both separately or in combination.

The Applicant further submits that, because of their appendage to claim 1, all dependent claims 2 to 30, as well as the newly added claims 31 to 33, are also novel and inventive in view of the cited prior art documents.

In relation to the amendment introduced to claim 1, the Applicant also wishes to draw the Examiner's attention to the fact that a similar amendment was found by the Examiner

adequate for removing a similar objection in relation to the, now allowed, US Application 09/575 168.

2. In an amendment, not responsive to the Examiner's objection, but complimentary to the amendment to claim 1, the Applicant has introduced new claims 31 to 33. The Applicant submits that these claims do not introduce any new matter and are based on a disclosure in the specification as filed.

3. In **Items 8 and 11**, the Examiner has raised provisional objections based on the issue of double patenting in view of co-pending US application 09/575 168, which has since being allowed, as well as on view of the co-pending US application 10/291,469.

In order to emphasise the difference between the scope of the claims of the subject application from these of the US application 09/575 168, the Applicant has amended claim 1 by including the expression "*...and to generate, using at least some of the coded data and using the orientation data, the position data*". The applicant respectfully submits that the generation of the position data in this way is a new feature that substantially distinguishes the invention of the subject application from that in US application 09/575 168. The Applicant also submits that this feature has been disclosed in the description of the application, as filed (see page 19, lines 7 to 15; page 33 lines 11 to 18 and page 73 lines 18 to 25; pages 92-100)

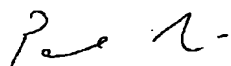
In relation to co-pending US application 10/291,469, the Applicant intends to amend the claims of these later-filed applications and/or file terminal disclaimers, as appropriate.

4. Finally, on an issue unrelated to the Official Action, the Applicant wishes to add to the list of priority documents the Australian provisional patent applications PQ3632 (filed on 25 Oct. 1999) and PQ5829 (filed on 24 Feb. 2000). Certified copies of these applications have been posted at the time of faxing this response.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant:



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PAUL LAPSTUN



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KIA SILVERBROOK

C/o: Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia

Email: [kia.silverbrook@silverbrookresearch.com](mailto:kia.silverbrook@silverbrookresearch.com)

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762